

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR  
WARMING DEVICES PRODUCTS  
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

**ORDER**

This Document Relates to All Actions.

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Plaintiffs have sued Defendants 3M Company and its wholly-owned subsidiary Arizant Healthcare Inc., alleging tortious design and marketing of a medical device. Allegedly, Defendants' device was used during Plaintiffs' surgeries and infected Plaintiffs. Plaintiffs object here to a July 27, 2017 Order by the Honorable Franklin L. Noel, U.S. Magistrate Judge, where he denied their motion to add a claim for punitive damages as futile. Pls.' Obj'n, 15-md-2666 Dkt. No. 663; *see* Order 18, 15-md-2666 Dkt. No. 629.

The Court denies Plaintiffs' Objection and affirms the Magistrate Judge's Order for reasons given in a Memorandum that the Court filed under seal on October 19, 2017. The parties may submit proposed redactions to that Memorandum on or before October 26, 2017. If proposed redactions are not timely received, the Court will unseal the Memorandum.

Therefore, based on the files, records, and proceedings herein, IT IS ORDERED THAT:

1. Plaintiffs' Objection [15-md-2666 Dkt. No. 663] to the Magistrate Judge's Order is DENIED.
2. The Magistrate Judge's Order of July 27, 2017 [15-md-2666 Dkt. No. 629] is AFFIRMED.

Dated: October 19, 2017

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge